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Gregory F. Ahrens 6-9-00

Gregory F. Ahrens Reg. No. 32,957 DATE

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Serial No.: 09/156,276 PATENT
Filed: September 17, 1998/April 25, 2000
Group Art Unit: 3763
Examiner: Rodriguez
Applicant: Rohit C. L. Sachdeva et al.
Title: MEDICAL INSTRUMENT WITH SLOTTED MEMORY METAL TUBE

Cincinnati, Ohio 45202

June 9, 2000

Assistant Commissioner of Patents
Washington, D.C. 20231

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PRELIMINARY AMENDMENT

This Amendment is being filed prior to prosecution on the merits of the
above-referenced application, which is continued prosecution application. Applicants
respectfully request reconsideration of the pending claims in view of the remarks set forth
below.

REMARKS

In the prior application, pending claims 1-7 and 20 have been rejected on the
following bases: claims 1, 2, 7 and 9 over Mobley et al., claims 1-6 over Fischell and claims 1
and 20 over Chastagner, all under 35 U.S.C. §102.

All of the pending claims recite that the medical instrument comprises at least one
memory metal tube that is programmed for an effect selected from the group of effects consisting